

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Jef FENSHOLDT et al.

Application No.: 10/580,967

Confirmation No.: 8915

Filed: March 12, 2007

Art Unit: 1625

For: NOVEL HYDROXAMIC ACID ESTERS
AND PHARMACEUTICAL USE THEREOF

Examiner: T. A. SOLOLA

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the attached PTO/SB/08.

II. COPIES

☒ a. Copies of foreign patent documents, non-patent literature and other information.

☐ b. REFERENCES PREVIOUSLY CITED OR SUBMITTED: Copies of any information not provided can be found in one or more of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Application No. and U.S. Filing Date

filed

III. CONCISE EXPLANATION OF THE RELEVANCE/OTHER INFORMATION

☒ a. NON-ENGLISH LANGUAGE DOCUMENTS: A concise explanation of the relevance of all non-English language patents, publications, or other information listed is as follows:

A partial translation is provided for all of the cited references:

CA Accession No. 2002:658103 corresponds to WO 02/066454. Two compounds, (RN 452077-19-9, RN 452075-21-7) as far as the applicant has identified, are of relevance. Said two compounds are not within the scope of the present invention as X can not be -C(O).

CA Accession No. 2000:715593 corresponds to JP 2000/281659. Six compounds as far as the applicant has identified are of relevance. Said six compounds are not within the scope of the present invention as W can not be =NH.

WO 2000/015222. The compounds of the present invention are not within the scope of this document as R3 defined in WO'222 can not be hydrogen.

WO 1997/030047. The compounds of the present invention are not within the scope of this document as W can not be =NHR, and X can not be -C(O)- or -C(S)-.

WO 1997/010228. The compounds of the present invention are not within the scope of this document as X can not be -C(O)- or -C(S)-.

CA 2092852. The compounds of the present invention are not within the scope of this document as Y-A-R₉ can not be -CH₃.

EP 0475206. The compounds of the present invention are not within the scope of this document as F can not represent nitrogen.

Korbonits et al, "Recent Results on the Cyclization Tendency of Diacyl 2-aminobenzaidoximes", Acta Chimica Hungarica, 1990, 127(6), 795-802 & CAS Registry file RN 29368-91-0 and RN

135103-79-6. RN 452077-19-9 and RN 452075-21-7 are not within the scope of the present invention as W can not be =NH, and X can not be -C(O)-.

CA Accession No. 1991:6034 & CAS RN 129858-49-0 corresponds to JP 02/006453. RN 452075-21-7 are not within the scope of the present invention as W can not be =NH, and X can not be -C(O)-.

Korbinits et al. "Ring Transformation of 1,2-Disubstituted 4(1H)-Quinazolone Oximes to 3,5-Disubstituted 1,2,4-Oxadiazoles", *Chemische Berichte*, 1989, 122(6), 1107-12, and CAS RN 119392-78-8 and RN 119392-97-9. RN 119392-78-8 and RN 119392-97-9 are not within the scope of the present invention as W can not be =NH.

Concalves et al, "Acetylation of o-Aminobenzamidoxime", *Bulletin de la Societe Chimique de France* 1970, 7, 2599-614 and CAS RN 29368-91-0. RN 29368-91-0 is not within the scope of the present invention as W can not be =NH, and X can not be -C(O)-. In addition based on a non-verified translation, the diformyl, diacetyl and dibenzoyl derivatives, and the O-benzoyl derivatives of o-aminobenzamidoxime were prepared. The diacetyl and dibenzoyl derivatives were heated above their melting points to give the corresponding acylamino-1,2,4-oxadiazoles. The amino-1,2,4-oxadiazoles **1**, are obtained by hydrolysis of the acylamino-1,2,4-oxadiazoles. The acylation of the o-aminobenzamidoximes under specific conditions and the deacylation of the diacetyl derivatives of the o-aminobenzamidoxime, gave amino-4-quinazoline N-3-oxide derivatives, **2**, isomers of **1**. It is shown by action of the hydroxylamine on the methoxy-4-quinazoline derivatives, that derivatives of dihydro-3,4 (or -1,4) hydroxyimino-4-quinazoline, **3**, and not derivatives of the amino-4-quinazoline N-3-oxide isomer are obtained. The structures of these three isomers are proven chemically and spectrographically (IR and NMR spectra). Hence this article describes the synthesis and characterisation of o-aminobenzamidoxime derivatives. The compounds of this article are not comprised by formula 1 according to claim 1 of the present invention as e.g. -C(W)- is restricted to represent -C(O)- (which is not part of a ring system) in the present invention. This article appears to be silent about any use of the compounds prepared.

☐ b. ENGLISH LANGUAGE SEARCH REPORT OR FOREIGN PATENT OFFICE COMMUNICATION: An English language version of the search report or Foreign Patent Office communication that indicates the degree of relevance is attached.

☐ c. OTHER: The following additional information is provided.

IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than **30 days** prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than **three months** prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information in the IDS were cited in a communication from a foreign patent office. Such items were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office. As to the remaining items of information, to the knowledge of the person signing the certification after making reasonable inquiry, such remaining items were not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

V. FEES

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application or Request for Continued Examination. No fee is required.

☐ b. This Information Disclosure Statement is being filed within three months of the filing date of an application. No fee is required.

☐ c. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits. No fee is required. If a first Office Action on the merits has issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) above. If no statement has been made, charge our deposit account for the required fee.

☒ d. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action or before the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(c)(1)).

☒ No statement. The fee as required by 37 C.F.R. § 1.17(p) is provided.

or

☐ See the above statement. No fee is required.

☐ e. This Information Disclosure Statement is being filed after the mailing date of a Final Office Action or after the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(d)), see the statement above. The fee as required by 37 C.F.R. § 1.17(p) is provided.

VI. PAYMENT OF FEES

- ☒ The required fee is listed on the attached Fee Transmittal.
- ☐ No fee is required.

If the Examiner has any questions concerning this IDS, please contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the USPTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

Dated: August 10, 2010

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Attachment(s):

- ☒ PTO/SB/08
- ☒ Document(s)
- ☐ Foreign Patent Office Communication
- ☐ Foreign Search Report
- ☒ Fee
- ☐ Other: